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*Washington, Thursday, March 24, 1938*

## PRESIDENT OF THE UNITED STATES.

### THOMAS JEFFERSON'S BIRTHDAY

By the President of the United States of America

#### A PROCLAMATION

WHEREAS Thomas Jefferson, author of the Declaration of Independence and third President of the United States, was the advocate of great causes and high ideals of human freedom—principles adopted as fundamental by the American people; and

WHEREAS Thomas Jefferson as lawyer, statesman, philosopher, scientist, farmer, and architect lived a life of such rich diversity that it encompassed the full scope of the knowledge of his time, and—of happy significance to his country—knew how to carry theory into practice, and from youth to a fine old age exemplified in all of his work the principle that the true evidence of life is growth; and

WHEREAS Public Resolution No. 60, 75th Congress, approved August 16, 1937, provides:

That the President of the United States of America is authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on April 13 of each year, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the birth of Thomas Jefferson:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon officials of the Government to display the flag of the United States on all Government buildings on April 13, 1938, and on April 13 of each succeeding year, and do invite the people of the United States to observe the day in schools, churches, and other suitable places, with appropriate ceremonies in commemoration of the birth of Thomas Jefferson.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 21<sup>st</sup> day of March in the year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2276]

[F. R. Doc. 38-848; Filed, March 23, 1938; 11:46 a. m.]

## TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4795]

INCOME TAX

REGULATIONS 94 AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Article 51-2 of Regulations 94,<sup>1</sup> relating to the form of return, is hereby amended by inserting after the first sentence thereof the following:

"For taxable years beginning after December 31, 1936, the return shall be on short Form 1040A if (1) the net income does not exceed \$5,000 and is derived solely from interest, dividends and salaries, wages, commissions, bonuses, and other compensation for personal services, and (2) the taxpayer does not own a business or practice a profession on his own account and renders a return on the cash receipts and disbursements basis for the calendar year."

Article 51-2 of Regulations 94 is further amended by striking out the parenthetical clause in the fifth sentence.

Paragraph (b) of article 142-5 of Regulations 94, as amended by Treasury Decision 4791, approved January 14, 1938<sup>2</sup> (I. R. B. 1938-4, 2), is hereby further amended by striking out of the first sentence thereof "on Form 1040NB"; by striking out of the second sentence thereof "Form 1040NB"; and inserting in lieu thereof "Form 1040NB (a)"; and by striking out of the third sentence thereof "Form 1040NB", and inserting in lieu thereof "a return."

This Treasury Decision is issued pursuant to the authority contained in section 62 of the Revenue Act of 1936.

[SEAL]

GUY T. HELVERING,

*Commissioner of Internal Revenue.*

Approved: March 21, 1938.

ROSWELL MAGILL,

*Acting Secretary of the Treasury.*

[F. R. Doc. 38-845; Filed, March 23, 1938; 10:37 a. m.]

## DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 236]

AN ORDER REQUIRING REPORTS FROM PRODUCERS OF COST AND REALIZATION DATA BEGINNING JANUARY 1, 1938, PURSUANT TO SECTION 10 (A) OF THE BITUMINOUS COAL ACT OF 1937

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other pur-

<sup>1</sup> 1 F. R. 1859.

<sup>2</sup> 3 F. R. 126 (DI).





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poses" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, in order to perform effectively its duties under said Act, is required to be fully informed as to the production and distribution of bituminous coal throughout the United States. Therefore, pursuant to authority conferred by Section 10 of said Act, the Commission orders and directs as follows:

1. Each producer of bituminous coal, whether or not a code member and whether or not engaged in commerce in coal which is subject to the provisions of Section 4 of said Act, shall file, in duplicate, complete reports showing the total costs of the tonnage produced and realization prices derived from the sale of coal, all as more fully set forth and specified in the Commission's Cost Forms No. 3 and No. 3-A, such reports to be made separately for each mine and for each calendar month so as to include all coal produced and all coal sold on and after the 1st day of January, 1938.

2. Each producer shall, within fifteen (15) days from the date of receipt of a copy of this order and of said forms, file reports for the months of January and February, 1938, with the statistical bureau of the Commission within the district in which the mine or mines reported on are located, and thereafter shall file with such statistical bureau like monthly reports as prescribed in paragraph three of this order.

3. For the month of March, 1938, and for each month thereafter, each producer of bituminous coal shall file in the same manner as prescribed in paragraph one of this order, complete reports showing the total cost of the tonnage produced and the realization prices derived from the sale of coal during the month reported on, which reports shall be filed on or before the 25th day of the next succeeding month.

4. The Commission's Cost Form No. 3 shall be used by producers for all mines having a present actual daily capacity of fifty (50) net tons or more, and by producers for all mines shipping directly by rail or river, regardless of daily capacity.

The Commission's Cost Form No. 3-A shall be used by producers in making reports for mines not shipping directly by rail or river and having a present actual daily capacity of less than fifty net tons.

In the case of any mine not actually in operation during any calendar month subsequent to January 1, 1938, the producer shall report as to such calendar month such data as will show all costs of ownership and maintenance.

5. Reports made by producers on Cost Forms No. 3 and No. 3-A shall be duly verified before an officer authorized to administer oaths, by the producer, if an individual, by a member of the firm if a partnership, or by the president or vice-president of the company if a corporation.

6. The Secretary of the Commission shall cause the proper statistical bureau of the Commission to mail to each known producer within the United States a copy of this order, together with the necessary forms for making the required reports for the months of January and February, 1938, and thereafter on or before the last day of each month, the necessary forms for making reports for that month, and shall make available to all producers additional copies of said forms at the statistical bureau as such bureaus are established in each district under said Act.

By order of the Commission.

Dated this 22nd day of March, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-843; Filed, March 23, 1938; 10:33 a. m.]



[Order No. 237]

AN ORDER PROVIDING FOR A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO DETERMINE WHETHER CERTAIN COALS IN THE STATE OF MONTANA ARE SUBJECT TO THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937, AND FOR THE FURTHER PURPOSE OF HEARING APPLICATIONS FOR EXEMPTION AS PROVIDED FOR BY ORDER NO. 28

Whereas the Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.) known as the Bituminous Coal Act of 1937, provides (Section 17 (b) that "The term 'bituminous coal' includes all bituminous, semi-bituminous, and sub-bituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more"; and

Whereas the Commission deems it necessary to conduct a public hearing in the State of Montana for the purpose of receiving evidence to enable the Commission to determine whether certain coals in the State of Montana are subject to the provisions of the Bituminous Coal Act of 1937, and, further, to hear and determine at the same time all Montana applications for exemption filed pursuant to Order No. 28;<sup>1</sup>

Now, therefore, in order to determine whether the coal in said state or any part thereof does not come within the definition of "bituminous coal" as set forth in Section 17 (b) of the Act, and in order to hear applications filed pursuant to Order No. 28 of the Commission, the Commission hereby orders and directs:

1. That a public hearing shall be held at Northern Hotel in the City of Billings, Montana, on the 25th day of April, 1938, commencing at the hour of 10:00 a. m., for the purpose of receiving evidence to enable the Commission to determine whether any part of the coal produced in the State of Montana does not come within the purview of Section 17 (b) of the Act.

2. That the public hearing so provided by this order, at the time and place designated, shall include the hearing of the applications for exemption filed by Emil Skoglund, Richland, Montana; Saavi Storaasli, Plentywood, Montana; Lars Linn, Dagmar, Montana; Guy H. Ross, Lambert, Montana; Carl Jensen, Miles City, Montana; Herman Anderson, Westby, Montana; Anderson and Lagerquist, Westby, Montana; Peerless Coal Mine, Broadus, Montana; Fairview Coal Company, Fairview, Montana; Clyde Clapp, Glendive, Montana; Otto A. Pust, Lambert, Montana, pursuant to the Commission's Order No. 28, and, in addition, any other applications for exemption filed for the State of Montana pursuant to Order No. 28.

3. That any producer of coal, whether bituminous, semi-bituminous, subbituminous, anthracite, or lignite, or the Consumers' Counsel, or code members, and all other interested parties may appear at said hearing and submit evidence.

4. Notice of said hearing shall be given under the direction of the Secretary of the Commission by mailing a copy of this order to the Consumers' Counsel, to the Commissioner of Internal Revenue, to the Secretaries of the respective District Boards, to Emil Skoglund, Richland, Montana; Saavi Storaasli, Plentywood, Montana; Lars Linn, Dagmar, Montana; Guy H. Ross, Lambert, Montana; Carl Jensen, Miles City, Montana; Herman Anderson, Westby, Montana; Anderson and Lagerquist, Westby, Montana; Peerless Coal Mine, Broadus, Montana; Fairview Coal Company, Fairview, Montana; Clyde Clapp, Glendive, Montana; Otto A. Pust, Lambert, Montana, to all known producers of coal in Montana lignite or otherwise, and by publication of a notice upon two consecutive days in two newspapers of general circulation in the State of Montana. The notice published

in said newspapers shall contain the date and place of the hearing and a concise statement of the purpose thereof.

By order of the Commission.

Dated this 22nd day of March, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-844; Filed, March 23, 1938; 10:33 a. m.]

## DEPARTMENT OF AGRICULTURE.

## Agricultural Adjustment Administration.

[ACP-1938-Alaska]

## 1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN—ALASKA

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  - 7. Applying Ground Limestone
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Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in Alaska in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation. Any increase or decrease in rates of payments and allowances with respect to any crop or other item of payment made because of the extent of participation in the program in connection with such crop or item of payment will not exceed 10 percent.

SECTION I. Allowance in connection with soil-building practices.—The soil-building allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the soil-building practices specified in Section III. This allowance for any farm will be the sum of the following:

- 1. \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm;
- 2. 20 cents per acre, not in excess of 1000 acres, and 10 cents per acre, in excess of 1000 acres, of pasture land included in the farm but not included in the cropland.

SECTION II. Payment in connection with soil-building practices.—Payment will be made, within the limit of the soil-building allowance established for the farm in accordance with Section I, for carrying out in the calendar year 1938 any of the soil-building practices listed in Section III, at the rate of \$1.00 per unit of such practices, provided the practice is carried out by such methods and with such kinds of seeds, trees, and other materials as conform to good farming practice, and in accordance with the specifications listed herein and such additional specifications as may be issued by the Director of the Insular Division to assure that the soil-building practices will be performed in workmanlike manner

<sup>1</sup> 2 F. R. 1581 (DI).



and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or Territorial agency. If a portion of the labor, seed, or other materials (except trees) used in carrying out any practice is furnished by a Federal or Territorial agency and such portion represents one-half or more of the total cost of carrying out such practice, no payment will be made with respect to such practice; if such portion represents less than one-half of the total cost of carrying out such practice, payment will be made with respect to one-half of such practice.

**SECTION III. Schedule of soil-building practices.**—Each of the following practices in the amounts specified shall be counted as the number of units specified for each:

1. *Planting forest trees.*—(a) Planting land entirely to forest trees or windbreak trees (see Farmers' Bulletin No. 1177, "Care and Improvement of the Farm Woods", published by the U. S. Department of Agriculture). Each acre will be counted as five units.

(b) Planting forest trees on the sides or crests of gulches or on erosion scars. Each 50 trees will be counted as one unit.

2. *Control of erosion by terracing.*—Constructing a sufficient amount of continuous terrace to give adequate protection against erosion (see Farmers' Bulletin No. 1669, "Farm Terracing", published by the U. S. Department of Agriculture), not including more than 300 feet of terrace per acre and not including Mangum type terraces on land of 20 percent or more slope. Each 100 feet of terrace will be counted as one unit.

3. *Control of erosion by ditching.*—Constructing permanent ditching, on land of 6 percent or more slope, with suitable outlets, and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing (see Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture). Each 500 linear feet of ditching will be counted as one unit.

4. *Control of gullies.*—(a) Filling shallow gullies, not more than 4 feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Each 10 cubic yards of fill or construction will be counted as one unit.

(b) Constructing and maintaining check dams in gullies (see Farmers' Bulletin No. 1234, "Gullies: How to Control and Reclaim Them", published by the U. S. Department of Agriculture). Each 20 linear feet of dams constructed will be counted as one unit.

(c) Establishing a good stand of erosion-resistant perennial grasses in gullies. Each 4000 square feet will be counted as one unit.

5. *Contour cultivation.*—(a) Plowing (unless plowed in 1937 in preparation for planting in 1938), planting, and cultivating land of 2 percent or more slope along lines of less than 2 percent slope (see Leaflet No. 85, "Strip-Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Each 2 acres will be counted as one unit.

(b) Listing land along contour lines for fallowing or for planting protective nondepleting cover crops. Each 2 acres will be counted as one unit.

(c) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing (see Leaflet No. 85, "Strip-Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Each acre will be counted as one unit.

6. *Planting protective nondepleting cover crops.*—(a) Interplanting protective nondepleting cover crops with other crops (see Farmers' Bulletin No. 1750, "Summer Crops for Green Manure and Soil Improvement", published by the U. S. Department of Agriculture). Each acre will be counted as two units.

(b) Planting protective nondepleting cover crops in rotation with other crops or using such cover crops, or oats and peas, for green manuring (see Farmers' Bulletin No. 1475, "Soil Productivity as Affected by Crop Rotation", and Farmers' Bulletin No. 1250, "Green Manuring", published by the U. S. Department of Agriculture). Each acre will be counted as three units.

(c) Planting on properly prepared land perennial varieties of protective nondepleting cover crops for permanent pasture or for cutting green for livestock feed (see Miscellaneous Publication No. 194, "A Pasture Handbook", published by the U. S. Department of Agriculture). Each acre will be counted as four units.

(d) Seeding pasture land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Each 5 pounds of seed sown will be counted as one unit.

7. *Applying ground limestone.*—Applying ground limestone or its equivalent to acid soil. Each 1000 pounds will be counted as one unit but credit will not be given for the application of more than 2 tons per acre.

8. *Applying phosphoric acid and potash.*—Applying 20 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to, or in connection with the seeding of, protective nondepleting cover crops. Each 100 pounds will be counted as one unit but credit will not be given for the application of more than 200 pounds per acre.

**SECTION IV. Division of payments.**—The amount of payment earned with respect to any farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices thereon. If more than one such person contributes to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which such persons establish that they contributed thereto.

**SECTION V. Increase in small payments.**—The total payment computed under Sections I to IV, inclusive, for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$10.40
\$2.00 to \$2.99	0.80	\$33.00 to \$33.99	10.60
\$3.00 to \$3.99	1.20	\$34.00 to \$34.99	10.80
\$4.00 to \$4.99	1.60	\$35.00 to \$35.99	11.00
\$5.00 to \$5.99	2.00	\$36.00 to \$36.99	11.20
\$6.00 to \$6.99	2.40	\$37.00 to \$37.99	11.40
\$7.00 to \$7.99	2.80	\$38.00 to \$38.99	11.60
\$8.00 to \$8.99	3.20	\$39.00 to \$39.99	11.80
\$9.00 to \$9.99	3.60	\$40.00 to \$40.99	12.00
\$10.00 to \$10.99	4.00	\$41.00 to \$41.99	12.10
\$11.00 to \$11.99	4.40	\$42.00 to \$42.99	12.20
\$12.00 to \$12.99	4.80	\$43.00 to \$43.99	12.30
\$13.00 to \$13.99	5.20	\$44.00 to \$44.99	12.40
\$14.00 to \$14.99	5.60	\$45.00 to \$45.99	12.50
\$15.00 to \$15.99	6.00	\$46.00 to \$46.99	12.60
\$16.00 to \$16.99	6.40	\$47.00 to \$47.99	12.70
\$17.00 to \$17.99	6.80	\$48.00 to \$48.99	12.80
\$18.00 to \$18.99	7.20	\$49.00 to \$49.99	12.90
\$19.00 to \$19.99	7.60	\$50.00 to \$50.99	13.00
\$20.00 to \$20.99	8.00	\$51.00 to \$51.99	13.10
\$21.00 to \$21.99	8.20	\$52.00 to \$52.99	13.20
\$22.00 to \$22.99	8.40	\$53.00 to \$53.99	13.30
\$23.00 to \$23.99	8.60	\$54.00 to \$54.99	13.40
\$24.00 to \$24.99	8.80	\$55.00 to \$55.99	13.50
\$25.00 to \$25.99	9.00	\$56.00 to \$56.99	13.60
\$26.00 to \$26.99	9.20	\$57.00 to \$57.99	13.70
\$27.00 to \$27.99	9.40	\$58.00 to \$58.99	13.80
\$28.00 to \$28.99	9.60	\$59.00 to \$59.99	13.90
\$29.00 to \$29.99	9.80	\$60.00 to \$185.99	14.00
\$30.00 to \$30.99	10.00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10.20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.



**SECTION VI. General provisions relating to payments.—A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program.

**B. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection C of this Section VI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the farmer before the county agricultural extension agent and filed with such agent; (2) the farmer files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**Section VII. Application for payment.—A. Persons eligible to file application.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section IV, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown or livestock produced on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the local office of the Insular Division on or before March 31, 1939. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the local office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county agricultural extension agent and making copies of the same available to the press.

**Section VII. Definitions.**—As used herein and in all forms and documents relating to the 1938 Agricultural Conservation Program for Alaska, the following terms shall have the following meanings:

**Secretary** means the Secretary of Agriculture of the United States.

**Insular Region** means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

**Insular Division** means the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program for the Insular Region.

**Person** means an individual, partnership, association, corporation, trust, or estate, and wherever applicable, a State,

Territory, or Possession, or a political subdivision or agency thereof.

**Farm** means all tracts of cropland, pasture land, and other farm land in Alaska, operated by one or more persons in 1938 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as a watershed for the supply of water for such farm and on which any applicable soil-building practice is performed.

**Cropland** means farm land which is tilled annually or in a regular rotation or is devoted to bearing or non-bearing orchards other than abandoned orchards.

**Orchards** means the acreage in planted fruit trees, nut trees, vineyards, hops, or bush fruits.

**Pasture Land** means farm land on which the predominant growth is forage suitable for grazing and on which the number and spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

**Protective Nondepleting Cover Crops** means any of the following: (1) all grasses, provided no grain is harvested therefrom, (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans, field beans and sweet-potatoes not grown for commercial purposes, crotalaria, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza, lupines, and (4) any other crops approved by the Director of the Insular Division.

Done at Washington, D. C., this 22nd day of March, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-854; Filed, March 23, 1938; 12:47 p. m.]

[ACP—1938—Hawaii]

# 1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN—HAWAII

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Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in Hawaii in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appro-



priation and the extent of national participation. Any increase or decrease in rates of payments and allowances with respect to any crop or other item of payment made because of the extent of participation in the program in connection with such crop or item of payment will not exceed 10 percent.

**SECTION I. Allowance in connection with soil-building practices.**—The soil-building allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the soil-building practices specified in Section III. This allowance for any farm will be the sum of the following:

1. \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm in excess of the largest acreage devoted to sugarcane at any one time in 1938;

2. 20 cents per acre, not in excess of 1000 acres, and 10 cents per acre, in excess of 1000 acres, of range land and pasture land included in the farm but not included in the cropland.

**SECTION II. Payment in connection with soil-building practices.**—Payment will be made, within the limit of the soil-building allowance established for the farm in accordance with Section I, for carrying out in the calendar year 1938 any of the soil-building practices listed in Section III, at the rate of \$1.00 per unit of such practices, provided the practice is carried out by such methods and with such kinds of seeds, trees, and other materials as conform to good farming practice, and in accordance with the specifications listed herein and such additional specifications as may be issued by the Director of the Insular Division to assure that the soil-building practices will be performed in workmanlike manner and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or Territorial agency. If a portion of the labor, seed, or other materials (except trees) used in carrying out any practice is furnished by a Federal or Territorial agency and such portion represents one-half or more of the total cost of carrying out such practice, no payment will be made with respect to such practice; if such portion represents less than one-half of the total cost of carrying out such practice, payment will be made with respect to one-half of such practice.

**SECTION III. Schedule of soil-building practices.**—Each of the following practices in the amounts specified shall be counted as the number of units specified for each:

1. **Planting forest trees.**—(a) Planting land entirely to forest trees or windbreak trees (see Farmers' Bulletin No. 1177, "Care and Improvement of the Farm Woods", published by the U. S. Department of Agriculture). Each acre will be counted as five units.

(b) Planting forest trees on the sides or crests of gulches or on erosion scars. Each 50 trees will be counted as one unit.

(c) Planting shade trees in established coffee groves by planting seedling trees. Each 50 trees will be counted as one unit.

2. **Control of erosion by terracing.**—(a) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion (see Farmers' Bulletin No. 1663, "Farm Terracing", published by the U. S. Department of Agriculture), not including more than 300 feet of terrace per acre and not including Mangum type terraces on land of 20 percent or more slope. Each 100 feet of terrace will be counted as one unit.

(b) Constructing, and maintaining during 1938, individual terraces or catch pits around coffee trees. Each 200 terraces or catch pits constructed will be counted as one unit.

3. **Control of erosion by ditching.**—(a) Constructing permanent ditching, on land of 6 percent or more slope, with suitable outlets, and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface

drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing (see Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture). Each 500 linear feet of ditching will be counted as one unit.

(b) Constructing temporary field ditching on land of 6 percent or more slope, with suitable outlets and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any ditching primarily for the purpose of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. Each 2000 linear feet of ditching will be counted as one unit.

(c) Lining ditches carrying water on a grade of 2 percent or more, including ditches constructed in accordance with the provisions of practice 3 (a). Credit of one unit will be given for each 12 square feet of ditch surface lined with concrete or stone set in mortar, for each 24 square feet of ditch surface lined with plaster, and for each 24 square feet of the inside surface of concrete, iron, or composition pipe used.

4. **Control of gullies.**—(a) Filling shallow gullies, not more than 4 feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Each 10 cubic yards of fill or construction will be counted as one unit.

(b) Constructing and maintaining check dams in gullies (see Farmers' Bulletin No. 1234, "Gullies: How to Control and Reclaim Them", published by the U. S. Department of Agriculture). Each 20 linear feet of dams constructed will be counted as one unit.

(c) Establishing a good stand of erosion-resistant perennial grasses in gullies. Each 4000 square feet will be counted as one unit.

5. **Contour cultivation.**—(a) Plowing (unless plowed in 1937 in preparation for planting in 1938), planting, and cultivating land of 2 percent or more slope along lines of less than 2 percent slope (see Leaflet No. 85, "Strip-Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Each 2 acres will be counted as one unit.

(b) Ridging land, with furrows not more than 40 feet apart and not less than 8 inches vertically between the tops and bottoms thereof, along contour lines or, in areas subject to wind erosion, at approximately right angles to the direction of prevailing winds: *Provided*, That if the land is of 6 percent or more slope, it is protected from erosion by adequate ditching. Each 4 acres will be counted as one unit for each such ridging operation performed thereon.

(c) Furrowing range land along contour lines with furrows not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and with intervals between furrows not more than 25 feet. Each 2 acres will be counted as one unit.

(d) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing (see Leaflet No. 85, "Strip-Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Each acre will be counted as one unit.

6. **Planting protective nondepleting cover crops.**—(a) Interplanting protective nondepleting cover crops with other crops (see Farmers' Bulletin No. 1750, "Summer Crops for Green Manure and Soil Improvement", published by the U. S. Department of Agriculture). Each acre will be counted as two units.

(b) Planting protective nondepleting cover crops in rotation with other crops or using such cover crops for green manuring (see Farmers' Bulletin No. 1475, "Soil Productivity as Affected by Crop Rotation", and Farmers' Bulletin No. 1250, "Green Manuring", published by the U. S. Department of Agriculture). Each acre will be counted as three units.

(c) Planting on properly prepared land perennial varieties of protective nondepleting cover crops for permanent pasture or for cutting green for livestock feed (see Miscellaneous



Publication No. 194, "A Pasture Handbook", published by the U. S. Department of Agriculture). Each acre will be counted as four units.

(d) Seeding depleted range land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Each 5 pounds of seed sown will be counted as one unit.

7. *Applying ground limestone.*—Applying ground limestone or its equivalent to acid soil. Each ton will be counted as one unit but credit will not be given for the application of more than 2 tons per acre.

8. *Applying phosphoric acid and potash.*—Applying 20 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to, or in connection with the seeding of, protective nondepleting cover crops. Each 100 pounds will be counted as one unit but credit will not be given for the application of more than 200 pounds per acre.

9. *Applying coffee pulp.*—Applying coffee pulp around coffee trees, to which coffee pulp was not applied in 1937, and to all the trees on the acreage on which the practice is carried out. Each acre so treated will be counted as two units if the average application of pulp is not less than 10 pounds (fermented weight) per tree, and each acre so treated will be counted as three units if the average application of pulp is not less than 15 pounds (fermented weight) per tree. Fresh pulp applied shall be converted to its fermented-weight equivalent on the basis of: 2 pounds of fresh pulp equal 1 pound of fermented pulp.

10. *Reduction of fallow period on pineapple land.*—Reducing the average fallow period of all the land in the farm planted to pineapples in 1938 below the average fallow period of all the land in the farm planted to pineapples in 1937. The average fallow period with respect to land planted to pineapples in 1937 shall be the weighted average number of months between the date of the first plowing in preparation for planting pineapples in 1937 and the date of such planting but in no event shall such average be regarded as being more than 8 months. The average fallow period with respect to land planted to pineapples in 1938 shall be the weighted average number of months between the date of the first plowing in preparation for planting pineapples in 1938 and the date of such planting: *Provided*, That any land which is plowed prior to December 31, 1938, in preparation for planting pineapples after December 31, 1938, shall be regarded as planted to pineapples on December 31, 1938, and included in the computation of the average fallow period with respect to land planted to pineapples in 1938, if the inclusion of such land in such computation will result in increasing such average fallow period. Each acre of land planted to pineapples in 1938 (not including land regarded as planted to pineapples pursuant to the proviso of the preceding sentence) will be counted as one-tenth of one unit for each month by which the average fallow period with respect to land planted to pineapples in 1938 is less than the average fallow period with respect to land planted to pineapples in 1937, provided the land fallowed in 1938 is adequately protected from soil washing by ditching in accordance with practice 3 (b) or by ridging in accordance with practice 5 (b).

11. *Eradicating range-destroying plants.*—Eradicating serious infestations of guava (*Psidium guajava*), lantana (*Lantana camara*), pamakani (*Eupatorium adonophorum*), melastoma (*Melastoma decemfidum*), pukiaue (*Styphelia tamelameiae*), Hawaiian holly (*Schinus terebinthifolius*), firebush (*Myrica americana*), or joei (*Stachytarpheta dichotoma*, *Verbena bonariensis*) on range land. Each acre will be counted as one unit.

12. *Restoration of range land and pasture land.*—Removing all livestock from range land or pasture land, which was pastured in 1937 (including range land which was withheld from use in 1937 for the purpose of eradicating range-destroying plants), for a continuous period of more than six months between January 1, 1938, and March 31, 1939: *Provided*, (1) Such practice shall not be applicable to more than 25 percent of such range land and pasture land included in the farm; (2) On lands on which cattle or horses are grazed,

the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) On lands used exclusively for grazing sheep, either the area to be kept free of grazing is fenced and the fence maintained sufficiently to prevent the entry of livestock or the entry of livestock is prevented by herding; (4) The remaining range land and pasture land in the farm is not pastured to such extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) Such practice shall not be applicable to land which normally is not used for grazing during the period in which livestock are excluded; and (6) The operator has submitted to the local office of the Insular Division in writing the designation of the non-grazing area of the farm prior to the carrying-out of such practice. Each acre will be counted as one-tenth of one unit for each month, in excess of six but not in excess of twelve, during which livestock are removed.

13. *Development of stock water on range land.*—Payment will be made with respect to the following water development practices: *Provided*, (1) Carrying out the practice results in supplying ample water, at points remote from the ranch headquarters, for the number of livestock using the adjoining range during the grazing season; (2) The purpose of the development is solely to bring about such a distribution of stock on the range as will conserve and restore the vegetative cover thereof; (3) No part of the water impounded or supplied is used for irrigating purposes; (4) The operator has submitted to the local office of the Insular Division in writing a designation of the point at which the practice is to be carried out and the nature thereof; and (5) the carrying-out of the practice has been approved by the officer in charge of such local office prior to the carrying-out of such practice.

(a) Drilling or digging wells, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. The drilling of an artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Each linear foot of the well will be counted as one unit.

(b) Developing springs or seeps, protecting the source from trampling, and conveying the water in a trough or in a pipe not less than one inch in diameter to a tank. Credit of one unit will be given for each 2 cubic feet of excavation in soil and for each three-fourths of a cubic foot of excavation in rock.

(c) Constructing permanent watersheds of galvanized iron or other approved material for accumulating rainwater for range livestock, provided other methods of furnishing or accumulating water are not available and the water is conveyed to a tank or storage reservoir. Each 40 square feet of shed constructed will be counted as one unit.

(d) Constructing water storage tanks of redwood, steel, or other approved material on adequate foundations. Each 200 gallons of capacity of the tank will be counted as one unit.

14. *Soil analysis and field experiment—No payment.*—

(a) *For all plantation farms.*—The preparation of a soil map, or maps, showing the principal types of soil included in the cropland on the plantation farm, based on soil analyses sufficient to show the general nature of the textural and chemical composition, at various depths within the zone of root penetration, of each principal soil type, a copy of a map and a report of the analyses to be supplied prior to January 1, 1939, to the local office of the Insular Division: *Provided*, That if such a map and report have been submitted in accordance with the Agricultural Conservation Program for any year prior to 1938, there shall be supplied only such amendment or addition thereto as is specified by the Director of the Insular Division.

(b) *For all plantation farms.*—The establishment in 1938 of field experiments on principal types of soil included in the cropland on the plantation farm (not devoted to permanent pasture or to orchards or trees of any kind) in the use of organic matter or chemical fertilizers, the experiments



to be properly laid out, controlled, carried to that degree of completion which is practicable during the calendar year 1938, and reported prior to January 1, 1939, to the local office of the Insular Division, each experiment to include not less than five replications of each individual treatment (variable) to be tested, and five replications of the standard check, the number of experiments established on the farm to be determined in accordance with the following table:

For farms on which there is included cropland not devoted to permanent pasture or to orchards or trees of any kind, in an amount—

Less than 800 acres, 1 experiment.

800-1299 acres, inclusive, 2 experiments.

1300-1899 acres, inclusive, 3 experiments.

1900-2499 acres, inclusive, 4 experiments.

2500 acres and over, 5 experiments, plus one additional experiment for each 1000 acres in excess of 2500 acres.

(c) For plantation farms on which field experiments, established under the 1936 or 1937 Agricultural Conservation Program, are not completed during the calendar year 1938.—The proper control and continuation of such experiments during the calendar year 1938.

(d) For plantation farms on which field experiments, established under the 1936, 1937, or 1938 Agricultural Conservation Programs, are completed in 1938.—The proper control of such experiments to the time of harvest and a report, prior to March 1, 1939, to the local office of the Insular Division including:

(1) A brief history of each experiment with a summary showing the kind and variety of crop used, the dates of planting and harvesting, the location, type of soil, size of plots, number of replications, quantities and formulas of fertilizer used, whether irrigated or not, and data concerning the presence of disease or pests.

(2) A tabulation of data showing the weight and quality of the produce of each plot and, in the case of sugarcane, an analysis of the cane juice from each plot showing brix, purity, sucrose, and yield of sugar.

(3) A statement of any significant relationships which may appear between the applications of various quantities or kinds of fertilizer and the chemical and textural composition of the soils on which the experiments were carried out.

(4) A statistical analysis of the yield data for each experiment indicating whether the yield differences observed have any statistical significance, and a statement of general conclusions which may be drawn from the data obtained, in the light of this analysis.

**SECTION IV. Division of Payments.**—The amount of payment earned with respect to any farm shall be paid to the landlord, tenant or sharecropper who carried out the soil-building practices thereon. If more than one such person contributes to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which such persons establish that they contributed thereto.

**SECTION V. Increase in Small Payments.**—The total payment computed under Sections I to IV, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule.

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$10.40
\$2.00 to \$2.99	0.80	\$33.00 to \$33.99	10.80
\$3.00 to \$3.99	1.20	\$34.00 to \$34.99	11.20
\$4.00 to \$4.99	1.60	\$35.00 to \$35.99	11.60
\$5.00 to \$5.99	2.00	\$36.00 to \$36.99	12.00
\$6.00 to \$6.99	2.40	\$37.00 to \$37.99	12.40
\$7.00 to \$7.99	2.80	\$38.00 to \$38.99	12.80
\$8.00 to \$8.99	3.20	\$39.00 to \$39.99	13.20
\$9.00 to \$9.99	3.60	\$40.00 to \$40.99	13.60
\$10.00 to \$10.99	4.00	\$41.00 to \$41.99	14.00
\$11.00 to \$11.99	4.40	\$42.00 to \$42.99	14.40
\$12.00 to \$12.99	4.80	\$43.00 to \$43.99	14.80
\$13.00 to \$13.99	5.20	\$44.00 to \$44.99	15.20
\$14.00 to \$14.99	5.60	\$45.00 to \$45.99	15.60
\$15.00 to \$15.99	6.00	\$46.00 to \$46.99	16.00
\$16.00 to \$16.99	6.40	\$47.00 to \$47.99	16.40
\$17.00 to \$17.99	6.80	\$48.00 to \$48.99	16.80
\$18.00 to \$18.99	7.20	\$49.00 to \$49.99	17.20
\$19.00 to \$19.99	7.60	\$50.00 to \$50.99	17.60
\$20.00 to \$20.99	8.00	\$51.00 to \$51.99	18.00
\$21.00 to \$21.99	8.40	\$52.00 to \$52.99	18.40
\$22.00 to \$22.99	8.80	\$53.00 to \$53.99	18.80
\$23.00 to \$23.99	9.20	\$54.00 to \$54.99	19.20
\$24.00 to \$24.99	9.60	\$55.00 to \$55.99	19.60
\$25.00 to \$25.99	10.00	\$56.00 to \$56.99	20.00
\$26.00 to \$26.99	10.40	\$57.00 to \$57.99	20.40
\$27.00 to \$27.99	10.80	\$58.00 to \$58.99	20.80
\$28.00 to \$28.99	11.20	\$59.00 to \$59.99	21.20
\$29.00 to \$29.99	11.60	\$60.00 to \$60.99	21.60
\$30.00 to \$30.99	12.00	\$61.00 to \$61.99	22.00
\$31.00 to \$31.99	12.40	\$62.00 to \$62.99	22.40
		\$63.00 to \$63.99	22.80
		\$64.00 to \$64.99	23.20
		\$65.00 to \$65.99	23.60
		\$66.00 to \$66.99	24.00
		\$67.00 to \$67.99	24.40
		\$68.00 to \$68.99	24.80
		\$69.00 to \$69.99	25.20
		\$70.00 to \$70.99	25.60
		\$71.00 to \$71.99	26.00
		\$72.00 to \$72.99	26.40
		\$73.00 to \$73.99	26.80
		\$74.00 to \$74.99	27.20
		\$75.00 to \$75.99	27.60
		\$76.00 to \$76.99	28.00
		\$77.00 to \$77.99	28.40
		\$78.00 to \$78.99	28.80
		\$79.00 to \$79.99	29.20
		\$80.00 to \$80.99	29.60
		\$81.00 to \$81.99	30.00
		\$82.00 to \$82.99	30.40
		\$83.00 to \$83.99	30.80
		\$84.00 to \$84.99	31.20
		\$85.00 to \$85.99	31.60
		\$86.00 to \$86.99	32.00
		\$87.00 to \$87.99	32.40
		\$88.00 to \$88.99	32.80
		\$89.00 to \$89.99	33.20
		\$90.00 to \$90.99	33.60
		\$91.00 to \$91.99	34.00
		\$92.00 to \$92.99	34.40
		\$93.00 to \$93.99	34.80
		\$94.00 to \$94.99	35.20
		\$95.00 to \$95.99	35.60
		\$96.00 to \$96.99	36.00
		\$97.00 to \$97.99	36.40
		\$98.00 to \$98.99	36.80
		\$99.00 to \$99.99	37.20
		\$100.00 and over	37.60

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**SECTION VI. General Provisions Relating to Payments—A. Payment restricted to effectuation of purposes of the program.**—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program.

**B. Payment computed and made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection C of this Section VI) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**C. Assignments.**—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the farmer before the county agricultural extension agent and filed with such agent; (2) the farmer files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**SECTION VII. Application for Payment.—A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section IV, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown or livestock produced on the farm under a lease or operating agreement,



or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the local office of the Insular Division on or before March 31, 1939. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the local office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county agricultural extension agent and making copies of the same available to the press.

**C. Applications for plantation farms.**—No payment will be made under this program with respect to an application pertaining to any plantation farm except on the condition that practice 14 of Section III be performed in 1938 in the manner applicable to such farm.

**SECTION VIII. Definitions.**—As used herein and in all forms and documents relating to the 1938 Agricultural Conservation Program for Hawaii, the following terms shall have the following meanings:

**Secretary** means the Secretary of Agriculture of the United States.

**Insular Region** means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

**Insular Division** means the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program for the Insular Region.

**Person** means an individual, partnership, association, corporation, trust, or estate, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

**Farm** means all tracts of cropland, range land, and other farm land in Hawaii, operated by one or more persons in 1938 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as a watershed for the supply of water for such farm and on which any applicable soil-building practice is performed.

**Plantation Farm** means any farm comprising more than 500 acres of cropland, not devoted to permanent pasture or to orchards or trees of any kind.

**Principal Type of Soil** means for any plantation farm each soil type which comprises either 200 acres of cropland on such farm or 30 percent of the total cropland on such farm.

**Cropland** means farm land which is tilled annually or in a regular rotation or is devoted to bearing or nonbearing orchards other than abandoned orchards.

**Orchards** means the acreage in planted fruit trees, nut trees, coffee trees, banana plants, or vineyards.

**Pasture Land** means farm land (other than range land) on which the predominant growth is forage suitable for grazing and on which the number and spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

**Range Land** means any land which produces forage grazed by range livestock without cultivation or general irrigation. Range land shall not include any land for which the Territory tax-assessment valuation is less than 50 cents per acre.

**Protective Nondepleting Cover Crops** means any of the following: (1) all grasses, provided no grain is harvested therefrom, (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans, field beans and sweet-potatoes not grown for commercial purposes, crotalaria, provided the vines are not removed from the land, (3) alfalfa, vetch, clover, lespedeza, lupines, Koa Hao (Lucaena

Glaucous), and (4) any other crops approved by the Director of the Insular Division.

Done at Washington, D. C., this 22nd day of March, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-853; Filed, March 23, 1938; 12:47 p. m.]

[ACP—1938—Puerto Rico]

# 1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN—PUERTO RICO

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Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Agricultural Conservation Program in Puerto Rico in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation. Any increase or decrease in rates of payments and allowances with respect to any crop or other item of payment made because of the extent of participation in the program in connection with such crop or item of payment will not exceed 10 percent.

**SECTION I. Allowance in connection with soil-building practices.**—The soil-building allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the soil-building practices specified in Section III. This allowance for any farm will be the sum of the following:

1. \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm in excess of the sum of (1) the largest acreage devoted to sugarcane at any one time in 1938 and (2) the tobacco acreage allotment established for the farm.

2. 20 cents per acre, not in excess of 1000 acres, and 10 cents per acre, in excess of 1000 acres, of pasture land included in the farm but not included in the cropland.

**SECTION II. Payment in connection with soil-building practices.**—Payment will be made, within the limit of the soil-building allowance established for the farm in accordance



with Section I, for carrying out in the calendar year 1938 any of the soil-building practices listed in Section III, at the rate of \$1.00 per unit of such practices, provided the practice is carried out by such methods and with such kinds of seeds, trees, and other materials as conform to good farming practice, and in accordance with the specifications listed herein and such additional specifications as may be issued by the Director of the Insular Division to assure that the soil-building practices will be performed in workmanlike manner and in accordance with good farming practices for the locality.

No payment will be made with respect to practices carried out with labor, seed, trees, and materials furnished entirely by any Federal agency or any agency of Puerto Rico. If a portion of the labor, seed, or other materials (except trees) used in carrying out any practice is furnished by a Federal agency or an agency of Puerto Rico and such portion represents one-half or more of the total cost of carrying out such practice, no payment will be made with respect to such practice; if such portion represents less than one-half of the total cost of carrying out such practice, payment will be made with respect to one-half of such practice.

**SECTION III. Schedule of soil-building practices.**—Each of the following practices in the amounts specified shall be counted as the number of units specified for each:

1. *Planting forest trees.*—(a) Planting land entirely to forest trees or windbreak trees (see Farmers' Bulletin No. 1177, "Care and Improvement of the Farm Woods", published by the U. S. Department of Agriculture). Each acre will be counted as five units.

(b) Planting shade trees in established coffee groves by planting seedling trees. Each 50 trees will be counted as one unit.

(c) Cultivating, protecting, improving, and maintaining a good stand of shade trees planted in coffee groves prior to 1938. Each acre will be counted as one unit.

(d) Planting land to a normal number of Erythrina for use as support and shade for vanilla, by planting cuttings on suitably prepared land. Each acre will be counted as five units.

2. *Control of erosion by terracing.*—(a) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion (see Farmers' Bulletin No. 1669, "Farm Terracing", published by the U. S. Department of Agriculture), not including more than 300 feet of terrace per acre and not including Mangum type terraces on land of 20 percent or more slope. Each 100 feet of terrace will be counted as one unit.

(b) Constructing, and maintaining during 1938, individual terraces or catch pits around coffee trees. Each 200 terraces or catch pits constructed will be counted as one unit.

(c) Maintaining throughout 1938 individual terraces or catch pits constructed around coffee trees prior to 1938. Each 500 terraces or catch pits maintained will be counted as one unit.

3. *Control of erosion by ditching.*—(a) Constructing permanent ditching, on land of 6 percent or more slope, with suitable outlets, and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any temporary field ditching nor any ditching primarily for purposes of irrigation, sub-surface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing (see Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture). Each 500 linear feet of ditching will be counted as one unit.

(b) Constructing temporary field ditching on land of 6 percent or more slope, with suitable outlets and the slope of ditches not exceeding 4 percent, for the diversion of surface water to prevent soil washing, not including any ditching primarily for the purpose of irrigation, subsurface drainage, or under-drainage, or primarily for any purpose other than the prevention of soil washing. Each 2000 linear feet of ditching will be counted as one unit.

(c) Lining ditches carrying water on a grade of 2 percent or more, including ditches constructed in accordance with the provisions of practice 3 (a). Credit of one unit will be given for each 12 square feet of ditch surface lined with concrete or stone set in mortar, for each 24 square feet of ditch surface lined with plaster, and for each 24 square feet of the inside surface of concrete, iron, or composition pipe used.

4. *Control of gullies.*—(a) Filling shallow gullies, not more than 4 feet deep, when accompanied by the construction of adequate check dams properly spaced along the gully to prevent washing out. Each 10 cubic yards of fill or construction will be counted as one unit.

(b) Constructing and maintaining check dams in gullies (see Farmers' Bulletin No. 1234, "Gullies: How to Control and Reclaim Them", published by the U. S. Department of Agriculture). Each 20 linear feet of dams constructed will be counted as one unit.

(c) Establishing a good stand of erosion-resistant perennial grasses in gullies. Each 4000 square feet will be counted as one unit.

5. *Contour cultivation.*—(a) Plowing (unless plowed in 1937 in preparation for planting in 1938), planting, and cultivating land of 2 percent or more slope along lines of less than 2 percent slope (see Leaflet No. 85, "Strip-Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Each 2 acres will be counted as one unit.

(b) Listing land along contour lines for fallowing or for planting protective nondepleting cover crops. Each 2 acres will be counted as one unit.

(c) Strip-cropping land of 2 percent or more slope along contour lines with protective nondepleting cover crops or perennial varieties of crops which will prevent soil washing (see Leaflet No. 85, "Strip-Cropping to Prevent Erosion", published by the U. S. Department of Agriculture). Each acre will be counted as one unit.

6. *Planting protective nondepleting cover crops.*—(a) Interplanting protective nondepleting cover crops with other crops (see Farmers' Bulletin No. 1750, "Summer Crops for Green Manure and Soil Improvement", published by the U. S. Department of Agriculture). Each acre will be counted as two units.

(b) Planting protective nondepleting cover crops in rotation with other crops or using such cover crops for green manuring (see Farmers' Bulletin No. 1475, "Soil Productivity as Affected by Crop Rotation", and Farmers' Bulletin No. 1250, "Green Manuring", published by the U. S. Department of Agriculture). Each acre will be counted as three units.

(c) Planting on properly prepared land perennial varieties of protective nondepleting cover crops for permanent pasture or for cutting green for livestock feed (see Miscellaneous Publication No. 194, "A Pasture Handbook", published by the U. S. Department of Agriculture). Each acre will be counted as four units.

(d) Seeding pasture land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed. Each acre seeded will be counted as two units.

7. *Applying ground limestone.*—Applying ground limestone or its equivalent to acid soil. Each ton will be counted as one unit but credit will not be given for the application of more than 2 tons per acre.

8. *Applying phosphoric acid and potash.*—Applying 20 percent superphosphate or 50 percent muriate of potash, or both, or their equivalent, to, or in connection with the seeding of, protective nondepleting cover crops. Each 100 pounds will be counted as one unit but credit will not be given for the application of more than 200 pounds per acre.

9. *Applying coffee pulp.*—Applying coffee pulp around coffee trees, to which coffee pulp was not applied in 1937, and to all the trees on the acreage on which the practice is carried out at the rate of not less than an average of 3 pounds (fermented weight) per tree. Each acre so treated will be counted as two units. Fresh pulp applied shall be



converted to its fermented-weight equivalent on the basis of: 2 pounds of fresh pulp equal 1 pound of fermented pulp.

10. *Making compost.*—Making compost for use on land on which food crops for home consumption are grown (see Miscellaneous Publication No. 136, "Conservation of Fertilizer Materials from Minor Sources", published by the U. S. Department of Agriculture). Each 10 cubic yards will be counted as one unit but credit will not be given for more than 10 units on any farm.

11. *Soil analysis and field experiment—No payment.*—(a) *For all plantation farms.*—The preparation of a soil map, or maps, showing the principal types of soil included in the cropland on the plantation farm, based on soil analyses sufficient to show the general nature of the textural and chemical composition, at various depths within the zone of root penetration, of each principal soil type, a copy of a map and a report of the analyses to be supplied prior to January 1, 1939, to the local office of the Insular Division: *Provided*, That if such a map and report have been submitted in accordance with the Agricultural Conservation Program for any year prior to 1938, there shall be supplied only such amendment or addition thereto as is specified by the director of the Insular Division.

(b) *For all plantation farms.*—The establishment in 1938 of field experiments on principal types of soil included in the cropland on the plantation farm (not devoted to permanent pasture or to orchards or trees of any kind) in the use of organic matter or chemical fertilizers, the experiments to be properly laid out, controlled, carried to that degree of completion which is practicable during the calendar year 1938, and reported prior to January 1, 1939, to the local office of the Insular Division, each experiment to include not less than five replications of each individual treatment (variable) to be tested, and five replications of the standard check, the number of experiments established on the farm to be determined in accordance with the following table:

For farms on which there is included cropland not devoted to permanent pasture or to orchards or trees of any kind, in an amount—

Less than 800 acres, 1 experiment.
800–1299 acres, inclusive, 2 experiments.
1300–1899 acres, inclusive, 3 experiments.
1900–2499 acres, inclusive, 4 experiments.
2500 acres and over, 5 experiments, plus one additional experiment for each 1000 acres in excess of 2500 acres.

(c) *For plantation farms on which field experiments, established under the 1936 or 1937 Agricultural Conservation Program, are not completed during the calendar year 1938.*—The proper control and continuation of such experiments during the calendar year 1938.

(d) *For plantation farms on which field experiments, established under the 1936, 1937, or 1938 Agricultural Conservation Programs, are completed in 1938.*—The proper control of such experiments to the time of harvest and a report, prior to March 1, 1939, to the local office of the Insular Division including:

(1) A brief history of each experiment with a summary showing the kind and variety of crop used, the dates of planting and harvesting, the location, type of soil, size of plots, number of replications, quantities and formulas of fertilizer used, whether irrigated or not, and data concerning the presence of disease or pests.

(2) A tabulation of data showing the weight and quality of the produce of each plot, and in the case of sugarcane, an analysis of the cane juice from each plot showing brix, purity, sucrose, and yield of sugar.

(3) A statement of any significant relationships which may appear between the application of various quantities or kinds of fertilizer and the chemical and textural com-

position of the soils on which the experiments were carried out.

(4) A statistical analysis of the yield data for each experiment indicating whether the yield differences observed have any statistical significance, and a statement of general conclusions which may be drawn from the data obtained, in the light of this analysis.

SECTION IV. *Payment in connection with tobacco acreage allotments.*—Payment will be made with respect to any farm at the rate of \$6.00 for each acre in the tobacco acreage allotment established for the farm. The payment with respect to any farm shall be subject to a deduction of \$18.00 for each acre of tobacco planted on the farm in the 1938–1939 tobacco season in excess of the tobacco acreage allotment established for the farm.

SECTION V. *Division of payments.*—A. *Payments and deductions in connection with tobacco acreage allotments.*—The net payment or net deduction computed for any farm with respect to the tobacco acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds of the tobacco grown on the farm in the 1938–1939 tobacco season. In the event that tobacco is not harvested on the farm in the 1938–1939 tobacco season the payment, if any, with respect to the tobacco acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion that such persons would have shared in the proceeds of such crop had tobacco been harvested on the farm in the 1938–1939 tobacco season.

B. *Payments in connection with soil-building practices.*—The amount of payment earned in connection with soil-building practices carried out on any farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If more than one such person contributes to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which such persons establish that they contributed thereto.

C. *Proration of net deductions.*—If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

SECTION VI. *Increase in small payments.*—The total payment computed under Sections I to V, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;



(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$10.40
\$2.00 to \$2.99	0.80	\$33.00 to \$33.99	10.60
\$3.00 to \$3.99	1.20	\$34.00 to \$34.99	10.80
\$4.00 to \$4.99	1.60	\$35.00 to \$35.99	11.00
\$5.00 to \$5.99	2.00	\$36.00 to \$36.99	11.20
\$6.00 to \$6.99	2.40	\$37.00 to \$37.99	11.40
\$7.00 to \$7.99	2.80	\$38.00 to \$38.99	11.60
\$8.00 to \$8.99	3.20	\$39.00 to \$39.99	11.80
\$9.00 to \$9.99	3.60	\$40.00 to \$40.99	12.00
\$10.00 to \$10.99	4.00	\$41.00 to \$41.99	12.10
\$11.00 to \$11.99	4.40	\$42.00 to \$42.99	12.20
\$12.00 to \$12.99	4.80	\$43.00 to \$43.99	12.30
\$13.00 to \$13.99	5.20	\$44.00 to \$44.99	12.40
\$14.00 to \$14.99	5.60	\$45.00 to \$45.99	12.50
\$15.00 to \$15.99	6.00	\$46.00 to \$46.99	12.60
\$16.00 to \$16.99	6.40	\$47.00 to \$47.99	12.70
\$17.00 to \$17.99	6.80	\$48.00 to \$48.99	12.80
\$18.00 to \$18.99	7.20	\$49.00 to \$49.99	12.90
\$19.00 to \$19.99	7.60	\$50.00 to \$50.99	13.00
\$20.00 to \$20.99	8.00	\$51.00 to \$51.99	13.10
\$21.00 to \$21.99	8.20	\$52.00 to \$52.99	13.20
\$22.00 to \$22.99	8.40	\$53.00 to \$53.99	13.30
\$23.00 to \$23.99	8.60	\$54.00 to \$54.99	13.40
\$24.00 to \$24.99	8.80	\$55.00 to \$55.99	13.50
\$25.00 to \$25.99	9.00	\$56.00 to \$56.99	13.60
\$26.00 to \$26.99	9.20	\$57.00 to \$57.99	13.70
\$27.00 to \$27.99	9.40	\$58.00 to \$58.99	13.80
\$28.00 to \$28.99	9.60	\$59.00 to \$59.99	13.90
\$29.00 to \$29.99	9.80	\$60.00 to \$155.99	14.00
\$30.00 to \$30.99	10.00	\$156.00 to \$199.99	(1)
\$31.00 to \$31.99	10.20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**SECTION VII. Deductions incurred on other farms.**—If the deductions computed under Section IV with respect to any farm exceed the payment computed under Sections I to III, inclusive, with respect to such farm, any person's share of the amount by which such deductions exceed such payments shall be deducted from such person's share of the payments which would otherwise be made to him with respect to any other farms in Puerto Rico.

**SECTION VIII. Acreage allotments for tobacco.**—The acreage allotment of tobacco for Puerto Rico shall be 42,000 acres and the tobacco acreage allotments established for all farms in Puerto Rico shall not exceed such amount. Acreage allotments of tobacco shall be determined for farms for which a base acreage for tobacco was, or could have been, established under the 1937 Agricultural Conservation Program on the basis of: (1) the sum of the acreage planted to tobacco on the farm in the 1937-1938 tobacco season (not exceeding such base acreage for tobacco) and the acreage diverted from the production of tobacco under the 1937 Agricultural Conservation Program; (2) land, labor, and equipment available for the production of tobacco; (3) crop rotation practices; and (4) the soil and other physical factors affecting the production of tobacco. Not more than 3 percent of the acreage allotment of tobacco for Puerto Rico shall be apportioned to farms for which a base acreage for tobacco could not have been established under the 1937 Agricultural Conservation Program, on the basis of the acreage, if any, planted to tobacco on the farm in the 1937-1938 tobacco season and the factors specified in clauses (2), (3), and (4) of the preceding sentence.

**SECTION IX. General provisions relating to payments.**—A. *Payment restricted to effectuation of purposes of the program.*—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program.

B. *Payment computed and made without regard to claims.*—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deductions of claims for advances (except as provided in subsection D of this Section IX) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.*—If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Agricultural Conservation Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, payments to the landlord under the 1938 Agricultural Conservation Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938, if the local office of the Insular Division certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the local office of the Insular Division certifies that the reduction is not justified and disapproves such reduction.

If the Agricultural Adjustment Administration finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

D. *Assignments.*—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the farmer before the local agricultural extension agent and filed with such agent; (2) the farmer files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**SECTION X. Application for payment.**—A. *Persons eligible to file applications.*—An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section V, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown or livestock produced on the farm under a lease or operating agreement, or (2) who is owner of such farm and participates thereon in 1938 in carrying out approved soil-building practices.

B. *Time and manner of filing application and information required.*—Payment will be made only upon application submitted through the local office of the Insular Division on or before March 31, 1939. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to



any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the local office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each local agricultural extension agent and making copies of the same available to the press.

**C. Application for plantation farms.**—No payment will be made under this program with respect to an application pertaining to any plantation farm except on the condition that practice 11 of Section III be performed in 1938 in the manner applicable to such farm.

**D. Land area.**—All calculations involving land area will be made on the basis that one cuerda equals 0.97 acre.

**Section XI. Definitions.**—As used herein and in all forms and documents relating to the 1938 Agricultural Conservation Program for Puerto Rico, the following terms shall have the following meanings:

**Secretary** means the Secretary of Agriculture of the United States.

**Insular Region** means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

**Insular Division** means the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program for the Insular Region.

**Person** means an individual, partnership, association, corporation, trust, or estate, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

**Farm** means all tracts of cropland, pasture land, and other farm land in Puerto Rico, operated by one or more persons in 1938 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as a watershed for the supply of water for such farm and on which any applicable soil-building practice is performed.

**Plantation Farm** means any farm comprising more than 500 acres of cropland, not devoted to permanent pasture or to orchards or trees of any kind.

**Principal Type of Soil** means for any plantation farm each soil type which comprises either 200 acres of cropland on such farm or 30 percent of the total cropland on such farm.

**Cropland** means farm land which is tilled annually or in a regular rotation or is devoted to bearing or nonbearing orchards other than abandoned orchards.

**Orchards** means the acreage in planted fruit trees, nut trees, coffee trees, banana plants, vineyards, or bush fruits.

**Pasture Land** means farm land on which the predominant growth is forage suitable for grazing and one which the number and spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

**Tobacco Season** means the period beginning on September 1 of one calendar year and ending on March 31 of the succeeding calendar year.

**Protective Nondepleting Cover Crops** means any of the following: (1) all grasses, provided no grain is harvested therefrom; (2) field peas, cow peas, pigeon peas, gandule, soy beans, velvet beans, sword beans, field beans and sweet-potatoes not grown for commercial purposes, crotalaria, provided the vines are not removed from the land; (3) alfalfa, vetch, clover, lespedeza, lupines, and (4) any other crops approved by the Director of the Insular Division.

Done at Washington, D. C., this 22nd day of March, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-855; Filed, March 23, 1938; 12:47 p. m.]

# DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1938 FOR THE TERRITORY OF HAWAII

Whereas Section 301 of the Sugar Act of 1937 authorizes the Secretary to make payments upon certain conditions with respect to sugar or liquid sugar recoverable from the sugarcane grown on a farm for the extraction of sugar or liquid sugar; and

Whereas the condition with respect to farming practices, as stated in subsection (e) of section 301 of the said act, is:

That there shall be carried out on the farm such farming practices in connection with the production of sugar beets and sugarcane during the year in which the crop was harvested with respect to which a payment is applied for, as the Secretary may determine, pursuant to this subsection, for preserving and improving fertility of the soil and for preventing soil erosion, such practices to be consistent with the reasonable standards of the farming community in which the farm is situated.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby determine that the requirements of subsection (e) of section 301 of the said act shall be deemed to have been met with respect to a farm in the Territory of Hawaii if the following farming practices have been carried out during the calendar year 1938:

The application to land on which sugarcane is growing at any time during the calendar year 1938 of an amount of chemical fertilizer per acre of such land fertilized, which contains an average quantity of available plant food, in any form or combination of nitrogen, phosphoric acid, or potash, equal to not less than the greater of either (1) 150 pounds, or (2) 80 percent of the average, for 1936 or 1937, whichever was smaller, quantity which was applied on land on which sugarcane was growing and on which fertilizer was applied, during such year: *Provided*, That the number of acres of land on which sugarcane is growing and on which fertilizer is applied during 1938 is not less than the number of acres on the farm on which there is growing at any time during 1938 a crop of sugarcane of less than six months growth.

"Chemical fertilizer" as used herein means commercial fertilizer which contains not less than 15 pounds of some form of available nitrogen, phosphoric acid, or potash per hundred pounds of gross weight.

Done at Washington, D. C., this 22nd day of March, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-850; Filed, March 23, 1938; 12:46 p. m.]

## PROCLAMATION MADE BY THE SECRETARY OF AGRICULTURE CONCERNING BASE PERIOD TO BE USED IN CONNECTION WITH EXECUTION OF MARKETING AGREEMENT AND ISSUANCE OF ORDER REGULATING HANDLING OF MILK IN CINCINNATI, OHIO MARKETING AREA

By virtue of the authority vested in the Secretary of Agriculture by the terms and provisions of Public No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture hereby finds and proclaims that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the Cincinnati, Ohio, Marketing Area, the purchasing power of such milk during the base period August 1909 to July 1914 cannot be satisfactorily determined from available statistics in the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1919 to July 1929; and the period August 1919 to July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the pur-



chasing power of milk handled in the Cincinnati, Ohio, Marketing Area, for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of milk in that area.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 22nd day of March 1938.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-851; Filed, March 23, 1938; 12:46 p. m.]

## Bureau of Animal Industry.

## NOTICE

MARCH 23, 1938.

To C. J. ELLINGTON and JESS COOK, doing business as Ellington and Cook Livestock Com. Market, Alexandria, La.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Ellington and Cook Livestock Commission Market, at Alexandria, State of Louisiana, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-852; Filed, March 23, 1938; 12:46 p. m.]

## Farm Security Administration.

## DESIGNATION OF COUNTY

## HAWAII

MARCH 22, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Hawaiian Territorial Farm Security Advisory Committee, the following county is hereby designated as that in which loans, pursuant to said Title, shall be made for the fiscal year ending June 30, 1938:

Hawaii.

[SEAL]

HARRY L. BROWN,  
Acting Secretary of Agriculture.

[F. R. Doc. 38-849; Filed, March 23, 1938; 12:46 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

EXTENSION OF EFFECTIVE DATE OF AMENDED RULE 443  
PERTAINING TO THE TERRITORY OF ALASKA

The Commission at a meeting held March 15, 1938, extended the effective date of amended Rule 443<sup>1</sup> in so far as it affects radio stations and operators in the Territory of Alaska, from April 1, 1938 to November 1, 1938. The Commission directed that the present Rule 443 remain in force in that Territory until November 1, 1938.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 38-841; Filed, March 23, 1938; 9:40 a. m.]

<sup>1</sup> 3 F. R. 363 (DI).

## FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade  
Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of March, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3185]

IN THE MATTER OF GUY J. BANTA, AN INDIVIDUAL, TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF CAL-A-MO LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR  
TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, April 5, 1938, at ten o'clock in the forenoon of that day (Pacific Standard Time) at room 442 Pacific Electric Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-842; Filed, March 23, 1938; 9:59 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities  
and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of March, A. D. 1938.

IN THE MATTER OF AN OFFERING SHEET FILED BY INDUSTRIAL INVESTMENT CORPORATION, RESPONDENT, COVERING PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE GULF-WISE-VINSON TRACT

## ORDER FOR HEARING AND ORDER DESIGNATING TRIAL EXAMINER

Industrial Investment Corporation, having filed on February 28, 1938, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging, that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

That the information given under Division II, Item 20 (b), concerning the percentage of water in fluid produced, is not correctly stated;

It is ordered, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the



respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That the taking of testimony in this proceeding commence on the 5th day of April, 1938, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-846; Filed, March 23, 1938; 11:26 a. m.]

*United States of America—Before the Securities  
And Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of March, A. D. 1938.

IN THE MATTER OF AN OFFERING SHEET FILED BY L. H. WITWER, RESPONDENT, COVERING PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE SINCLAIR-PRAIRIE-RICE TRACT

ORDER FOR HEARING AND ORDER DESIGNATING TRIAL EXAMINER

L. H. Witwer, having filed on March 7, 1938, with the Securities and Exchange Commission, an offering sheet for the purpose of obtaining an exemption from registration for the securities described therein under Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended; and

The Securities and Exchange Commission, having reasonable grounds to believe, and, therefore, alleging that said offering sheet is incomplete or inaccurate in a material respect, or contains an untrue statement of a material fact, or omits to state a material fact necessary to make the statements therein contained not misleading, or fails to comply with the requirements of said Regulation B, to wit:

(1) That the information given under Division II, Item 20 (b), concerning the percentage of water in fluid produced, is not correctly stated;

(2) That the data given under Division II, Item 18, concerning the number of wells flowing naturally and the number of wells producing by pump, are not correctly stated;

*It is ordered*, Pursuant to Rule 340 (b) of the General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be deficient and/or misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

*It is further ordered*, That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered*, That the taking of testimony in this proceeding commence on the 5th day of April, 1938, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-847; Filed, March 23, 1938; 11:26 a. m.]



